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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/005,657

Applicant(s)

OFFER, GERO

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-11-02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show Figure 1a, 3, Figure 1b, 3, 5, and Figure 2, 11 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method for monitoring access to a restricted access system and a restricted access system to access programming using a decoding key.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Garneau et al (US 5,497,420 and hereafter referred to as "Garneau").

Regarding Claims 1 and 7, Garneau discloses a method and system for monitoring access to a restricted-access system for transmitting at least one desired television program (Figure 1), the method comprising the steps of and the system: providing a transmitting device of a service provider (Figure 1, 1) for transmitting the at least one desired television program via at least one desired television channel of a first

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telecommunications connection (Figure 1, 3, Column 5, lines 33-38); providing at least one control device arranged at a receiving end for controlling access by a user to pay-per-view television programs (Figure 1, 5, Figure 2, 49); providing at least one television set for receiving the at least one desired television program (Figure 1, 9); setting up a second telecommunications connection between the user and the service provider using a telecommunications system (Figure 1, 21, 23, 25, Figure 1B, 25); checking an identifier allocated to the control device (Column 6, lines 15-20, lines 23-32, Column 7, lines 55-58, Column 2, lines 40-45); checking additional information about the desired television program, by the service provider (Column 6, lines 15-20, lines 23-32, Column 7, lines 55-58, Column 2, lines 40-45), via the second telecommunications connection (Column 6, lines 15-20, lines 23-32, Column 7, lines 55-58, Column 2, lines 40-45); allocating a decoding key to the identifier and to the additional information by the service provider (Column 2, lines 43-47, Column 7, lines 55-62); transmitting the decoding key from the service provider to the user via the second telecommunications connection (Column 2, lines 43-47, Column 7, lines 55-62); inputting the decoding key in the control device by the user via an input device (Column 8, lines 15-18, Column 10, lines 2-4); linking the decoding key and the identifier in the control device to form decoding information (Column 8, lines 18-22, Column 10, lines 5-8, Column 2, lines 40-57); and enabling the desired television channel with the at least one desired television program to allow the at least one desired television program to be received by the television set via the first telecommunications connection (Column 8, lines 26-28, Column 10, line 12-26).

Regarding Claim 5, Garneau discloses all the limitations of Claim 1. Garneau discloses checking a credit account or a prepaid account/credit history of the user by the service provider once the identifier has been checked (Column 8, lines 28-36).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garneau in view of Borgstahl et al (US 6,421,347 and hereafter referred to as "Borgstahl").

Regarding Claims 2 and 9, Garneau discloses all the limitations of Claims 1 and 7 respectively. Garneau discloses that the user setting up the second telecommunication connection by a call from a telephone. Garneau is silent on a mobile telephone. Borgstahl discloses setting up the second telecommunications connection by a call from the user to the service provider via a mobile telephone or a personal presence identifier (Figure 14, 122, Column 15, lines 60-65). Therefore, it would have been obvious at the time the invention was made to modify Garneau to set up the second telecommunications connection by a call from the user to the service provider via a mobile telephone or a personal presence identifier (Figure 14, 122, Column 15, lines 60-65) as taught by Borgstahl in order to configure peer to peer networks (Column

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1, lines 14-15), maintain security or access so that unauthorized users cannot activate (Column 2, lines 1-6) and to use wireless communications in order to remove offensive impediments (Column 2, lines 31-41) as disclosed by Borgstahl.

Regarding Claim 3, Garneau and Borgstahl disclose all the limitations of Claim 2. Garneau discloses that checking further includes entering data via voice selection (Column 7, lines 58-60) and transmitting the data (Column 7, lines 58-60). Also, it would have been obvious to modify Borgstahl to include entering data via Wireless Access Protocol instead of communications protocol as the devices are wireless devices that communicate for information (Figure 3, Figure 4) as taught by Borgstahl in order to configure peer to peer networks (Column 1, lines 14-15), maintain security or access so that unauthorized users cannot activate (Column 2, lines 1-6) and to use wireless communications in order to remove offensive impediments (Column 2, lines 31-41) as disclosed by Borgstahl.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garneau.

Regarding Claim 4, Garneau discloses all the limitations of Claim 1. Garneau discloses wherein the control device is connected between the television set (Figure 1, 9) and an antenna device (Column 1, lines 60-65, Figure 1, 5, 7, Figure 2, 41), which receives the television programs (Figure 1, 7, Figure 2, 41). It would have been obvious that the control device is connected between the television set and the antenna device as programs are scrambled and can not be displayed until the control device processes the decryption key to display the program (Column 8, lines 18-22, Column 10, lines 5-8, Column 2, lines 40-57, Column 8, lines 26-28, Column 10, line 12-26) in

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order to provide the user with pay per view program with better security (Column 1, lines 40-45).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garneau in view of Perlman et al (US 6,125,259).

Regarding Claim 6, Garneau discloses all the limitations of Claim 1. Garneau is silent on the checking of a personal identification number (PIN) of the user. Perlman discloses ordering programs via telephone (Column 10, lines 18-32, Column 12, lines 48-61). Perlman discloses checking a PIN of a user or ordering items via the telephone may need a PIN to confirm the authorization of a program (Column 12, lines 62-67, Column 13, lines 1-2). Therefore, it would have been obvious at the time the invention was made to modify Garneau to check a PIN of a user (Column 12, lines 62-67, Column 13, lines 1-2) as taught by Perlman in order to make sure young viewers do not watch unsuitable programs (Column 12, lines 62-67, Column 10, lines 34-38) as disclosed by Perlman.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garneau in view of Knudson et al (US 20002/0120933 and hereafter referred to as "Knudson").

Regarding Claim 8, Garneau discloses all the limitations of Claim 7. Garneau discloses that the input device is a television set remote control (Column 8, lines 16-17, Column 10, lines 2-4). Garneau is silent on the processor device is arranged in the television set. Knudson discloses a television system, which can order programming



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via telephone (Page 3, paragraph 0038). Knudson discloses that the processor device can be arranged in the television set or the processing circuitry found in a set top box is integrated in a television set (Page 2, paragraph 0034). Therefore, it would have been obvious at the time the invention was made to modify Garneau to include that the processor device is arranged in the television set (Page 2, paragraph 0034) as taught by Knudson in order to provide program listing to a user in a customized format (Page 1, paragraph 0003) as disclosed by Knudson.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garneau in view of Borgstahl as applied to claim 9 above, and further in view of Amit (US 6,941,576).

Regarding Claim 10, Garneau and Borgstahl disclose all the limitations of Claim 9. Borgstahl discloses that the mobile telephone receives the decoding key from the transmitting device (Column 15, lines 58-65). Amit discloses the input device arranged on the control device and uses Bluetooth data transmission to receive data from a mobile telephone (Figure 1, Column 7, lines 20-22, lines 38-45, Figure 8, Figure 13). Therefore, it would have been obvious at the time the invention was made to modify Garneau in view of Borgstahl to include the input device arranged on the control device and uses Bluetooth data transmission to receive data from a mobile telephone (Figure 1, Column 7, lines 20-22, lines 38-45, Figure 8, Figure 13) as taught by Amit in order to provide to connect communication systems in the home also to connect the home

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network devices to external networks (Column 1, lines 18-35, Column 5, lines 33-35, Column 4, lines 16-49) as disclosed by Amit.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saito (US 5,901,339).

Saito disclose as a restricted access system and method for monitoring access for transmitting desired television programs comprising a television program broadcasting station transmitting desired programs via a telecommunication connection, providing a receiving device that needs decode data that broadcasting station will allocate to the charging center; the user open a second telecommunication connection by a telephone to communicate with the charging center, which then provides the decode data to the phone to go to the receiver(Figures 4-22).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH  
December 13, 2005



JAMES KELLEY  
PATENT EXAMINER  
DEC 13 2005